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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY KLEIN,

Defendant.

Case No. 3:22-cr-00084-SI

DECLARATION OF MICHELLE DODSON
IN SUPPORT OF MOTION FOR
PROTECTIVE ORDER AND TO MODIFY
SUBPOENA

I, Michelle D. Dodson, declare:

1. I am the Records Officer for the Oregon Department of Corrections.
2. As part of my duties I am familiar with ODOC records and the business processes associated with identifying, gathering, and reviewing records for transmission to ODOC's counsel at the Oregon Department of Justice for production in litigation and in response to subpoenas.

3. Record types specific to individual adults in the custody of ODOC include but are not limited to: communication within the institution, records of transport, personal property records, housing records, disciplinary records, complaints and grievances, records of health conditions and treatment, and programming history. Different administrative divisions within ODOC and at individual institutions maintain the different record types, some of which are in paper form, and some of which are in electronic form. Some of the record types (such as information containing social security numbers, health information, or identifying information of family members) are subject to different confidentiality and security requirements. Some but not all records may contain specific categories of sensitive information such as information compiled for purposes of Prison Rape Elimination Act investigations, or internal investigations that identify confidential informants.

4. Investigations involving ODOC employees can concern matters between ODOC employees, matters between ODOC employees and AICs, and regulatory or disciplinary matters relating to financial and operational activities. Record types specific to ODOC employee investigations include but are not limited to employment and human resources history, background checks, training records, disciplinary records, complaints made against employees involving other employees, AICs, members of the public, or others. Some but not all investigation records may contain specific categories of sensitive information such as PREA files.

5. ODOC does not have a policy specific to retention of security camera footage. Security camera footage overwrites on varying cycles depending on storage media, location, and other characteristics that vary widely between camera installations. ODOC may copy and retain portions of security camera footage in response to specific events or investigations. The criteria for determining whether to collect camera footage, how much to collect, and whether to copy or review without copying are discretionary and vary widely based on the individual event or event type triggering a need to review security camera footage.

6. If ODOC makes a copy of security camera footage, the copy would reside with whatever other records are generated associated with the underlying event, such as in an

investigation file. ODOC does not have a means of tracking security camera video footage copies across different record systems and types. Even discerning the existence of retained copies of video camera footage would require individualized search across multiple record types and thousands of individual records in investigation and other files.

7. ODOC personnel who are responsible for identifying and gathering records in response to subpoenas also have responsibility for responding to public records requests, as well as multiple other job duties attendant on operating safe and secure correctional facilities for the State of Oregon.

8. Some of the same personnel responsible for responding to subpoenas and PRRs are also responsible for responding to and supporting the request of Defendant's litigation team to access CCCF premises and make photographs.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on March 29, 2023.


MICHELLE DODSON